

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 6:12-cv-499
	§	
v.	§	LEAD CASE
	§	
TEXAS INSTRUMENTS, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	
	§	
	§	
	§	
BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	Civil Action Case No. 6:13-cv-40
	§	
v.	§	CONSOLIDATED CASE
	§	
AOPTIX TECHNOLOGIES, INC.,	§	
	§	
Defendant.	§	
	§	
	§	

**DECLARATION OF BRYAN A. KOHM IN SUPPORT OF DEFENDANT'S  
REPLY IN SUPPORT OF MOTION TO STRIKE BLUE SPIKE'S IMPROPERLY-  
FILED SUPPLEMENTAL COMPLAINT AND TO DISMISS THE ACTION  
FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE**

I, Bryan A. Kohm, declare as follows:

1. I am an attorney at law duly licensed to practice in California and am admitted to practice in this district. I am an associate with the law firm of Fenwick & West LLP, counsel for Defendant AOptix Technologies, Inc. ("AOptix"). I have personal knowledge of the matters set forth herein, and if called upon to do so, could testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff's First Set of Interrogatories to Defendant AOptix Technologies, Inc., dated July 18, 2013.

3. Attached hereto as **Exhibit B** is a true and correct copy of Defendant AOptix Technologies, Inc.'s Responses to Plaintiff's First Set of Interrogatories, dated August 22, 2013.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 18th day of October, 2013 at San Francisco, California.

*/s/ Bryan A. Kohm*

Bryan A. Kohm  
E-mail: bkohm@fenwick.com

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

October 18, 2013

*/s/ Bryan A. Kohm*

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Bryan A. Kohm